

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CHAMBERS OF
JOSEPH J. FARNAN, JR.
JUDGE

LOCKBOX 27
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6155

December 13, 2007

Timothy J. Wilson, Esquire
Martin & Wilson, P.A.
1508 Pennsylvania Avenue
Wilmington, DE 19806

David Primack, Esquire
Drinker Biddle
1100 North Market Street, Suite 1000
Wilmington, DE 19801

RE: Fitzgibbon, et al. v. ING Bank, fsb, et al.
Civil Action No. 07- 735 JJF

Dear Counsel:

Pursuant to Federal Rule of Civil Procedure 16(b) and Local Rule 16.2, the Court requests that counsel confer and submit to the Court a Proposed Pretrial Scheduling Order on or before **Thursday, January 3, 2008**.

Attached is a sample form of Order which should serve as a basis for your discussions. The Court schedules jury trials to commence within sixteen (16) months from the date of filing. If there is no demand for a jury trial or if the parties waive trial by jury, trial can be scheduled within four (4) to nine (9) months from the date the case was filed. When discussing the schedule of this matter, please account for all the events that can adversely affect your preparation for the trial.

If either party believes that a conference with the Court is needed, please direct any requests or questions regarding the scheduling and management of the above matter to Case Manager Debbie Krett at (302) 573-6168.

Sincerely,


JOSEPH J. FARNAN, JR.

JJFjr:dk
Attachment
cc: Clerk, U.S. District Court

(Non-Patent Revised 1/07)

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under
Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties [have
exchanged] [will exchange] by (date) the information required by
Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Joinder of other Parties.** All motions to join
other parties shall be filed on or before (date).

3. **Discovery.**

(a) Exchange and completion of interrogatories,
identification of all fact witnesses and document production
shall be commenced so as to be completed by (date).

(b) Maximum of _____ interrogatories by each
party to any other party.

(c) Maximum of _____ requests for admission by
each party to any other party.

(d) Maximum of _____ depositions by plaintiff(s)
and _____ by defendant(s). Depositions shall not commence until
the discovery required by Paragraph 4 (a, b and c) are completed.

(e) Reports from retained experts required by Fed.
R. Civ. P. 26(a)(2) are due from the plaintiff(s) by (date);
from the defendant(s) by (date).

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

4. Discovery Disputes.

(a) A party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1. Said motion shall not exceed a total of four (4) pages. An Answer to the Rule 37 motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.

(b) All papers shall set forth in a plain and concise manner the issue(s) in dispute, the party's position on the issue(s), and the reasons for the party's position.

(c) Upon receipt of the Answer, the movant shall notify Chambers by e-mail at jjf_civil@ded.uscourts.gov that the parties have completed briefing.

(d) Upon receipt of the movant's e-mail, the Court will determine whether a conference is necessary and advise the parties accordingly.

(e) There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

5. Amendment of the Pleadings. All motions to amend the pleadings shall be filed on or before _____.

6. Case Dispositive Motions. Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before _____, 20____. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

7. Applications by Motion.

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Briefs shall be limited to no more than ten (10) pages. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

8. Pretrial Conference and Trial. After reviewing the

parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

DATE

UNITED STATES DISTRICT JUDGE